Nova Scotia
Advisory Council
on the Status of
Women

Conseil consultatif
sur la condition
féminine en
Nouvelle-Écosse

An agency of the
Province of Nova Scotia

92-04434/

SUBMISSION TO
THE CANADIAN PANEL
ON VIOLENCE AGAINST WOMEN

HALIFAX, NOVA SCOTIA
MARCH 6, 1992

Nova Scotia Advisory Council
on the Status of Women
P.O. Box 745
Halifax, Nova Scotia
B3J 2T3
(902) 424-8662

PREFACE

The Nova Scotia Advisory Council on the Status of Women was established in 1977 in response to recommendations of a task force appointed during International Women's Year in 1975. The Council is mandated to monitor women's issues and to act as an advisory body to the provincial government.

Specifically, it is legislated to advise the Minister upon such matters relating to the status of women as are referred to the Council for consideration by the Minister Responsible for the Administration of the Status of Women Act, and to bring to the attention of the Minister matters of interest and concern to women.

In carrying out its duties, the Council may:

- receive and hear petitions and suggestions concerning the status of women;
- undertake and recommend research on matters relevant to the status of women;
- recommend and participate in programs concerning the status of women;
- propose legislation, policies and practices to promote equality of opportunity and status;
- publish reports, studies and recommendations.

TABLE OF CONTENTS

Introduction 1

Public Education 1

Economics of Ending Male Violence 3

Conceptual Inadequacy of "Family Violence" 5

Treatment Programs for Violent Men 6

Legislation and Law Enforcement 7

Educating Law Enforcement Personnel and the Judiciary 9

Violence Against Women in Non-Traditional Roles 10

Conclusions 11

Recommendations 11

Introduction

The Nova Scotia Advisory Council on the Status of Women welcomes this opportunity to appear before the Canadian Panel on Violence Against Women. Every day, Canadian women and girls experience sexual harassment, sexual assault, incest, battering, and homicide. Those who don't actually experience male violence nonetheless live with the constant fear of it. We are all aware of the statistics that show how widespread and pervasive violence against women is. Now we must move on to finding effective solutions.

Our presentation today will focus on the document *Living Without Fear ... Everyone's Goal, Every Woman's Right*, the federal government's response to the First Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, *The War Against Women*. The response to the recommendations of the Standing Committee has been, in general, incomplete, inadequate, and misdirected.

Public Education

The most glaring deficiency of the federal response, *Living Without Fear*, is in the arena of public education. *The War Against Women* emphasized the need for a national, multi-media, public education campaign against the abuse of women. Such an initiative would raise sensitivity and awareness, would emphasize societal responsibility, and would involve all social sectors in the prevention of violence against women. The Standing Committee stipulated that such a campaign must be accompanied by adequate funding to accommodate any increases in demand for support services which might result from the publicity[1].

The rationale behind these recommendations was that there is insufficient societal recognition of violence against women, and what little awareness exists is inundated by

---

[1] *The War Against Women: First Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women*, Ottawa, June 1991, pp.15-17

myths and misunderstandings. A public education campaign could be a means of altering social norms, creating a societal move toward the prevention of male violence by making it socially unacceptable. However, evidence shows that such media campaigns can increase the demand for services, such as shelters and treatment programs, beyond the capability of existing resources. Thus, public education would have to be coupled with increased funding for provision of services.

The federal response, *Living Without Fear*, acknowledges these points in principle, recognizing "that violence against women is in part rooted in the socialization process that devalues women" and that "public education campaigns can be an effective way of ... changing public attitudes[2]." However, it goes on to say that any public education initiative, in this time of economic restraint, should "be designed to have minimal impact on the demand for services."[3]

This is an outrageous avoidance of responsibility. It shows an appalling and intolerable lack of sensitivity to the suffering of thousands of Canadian women who are victims of male violence. There are untold numbers of women and girls out there, right now, suffering from violence they cannot or will not name. Emotional, physical and sexual violence. Yes, a public education campaign might – if it were any good – empower these women and girls to name that violence. Yes, it might encourage and enable them to leave abusive situations. And yes, it might mean that they then require support services, for safety, survival and recovery.

To deny these women the empowerment they may need to name their abuse and escape the violence is unconscionable. A media campaign that has "minimal impact on the demand for services" is one that does not encourage battered women to leave their batterers; one that does not encourage abusive men to get treatment; one that does not encourage survivors of child sexual abuse to seek counselling; one that does not encourage victims of date rape to seek support. To deliberately design such a campaign would be to condemn thousands of women and girls to continue living in pain and fear

---

[2] *Living Without Fear ... Everyone's Goal, Every Woman's Right: The Federal Government Response to the Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women: "The War Against Women,"* Ottawa, November 1991, pp. 6-7.

[3] Ibid., p. 7.

and violence. Because we are living in a "climate of fiscal restraint." This is totally unacceptable.

How can the federal government claim a national goal of "zero tolerance" for violence against women, and quote the Prime Minister as saying, "One Canadian woman suffering violence at home or elsewhere is too many,"[4] while in the same document arguing that an education campaign must not increase the demand for services? Is ending violence against women a priority in this country or is it not?

Economics of Ending Male Violence

In *Living Without Fear*, the federal government claims to understand the roots of violence against women, stating that "The power imbalance in society which undervalues women and allows them to be discriminated against is the same power imbalance that fosters tolerance of violence and minimizes the gravity of its impact on the lives of women."[5] In its report, the Standing Committee was extremely clear about the connection between women's vulnerability to male violence and the oppression of women in our society.[6] Violence against women is integrally linked to the economic, political, and social disadvantages which restrict women's freedom and choices. Eliminating violence against women will require fundamental change in our social structure, so that it no longer supports and maintains male dominance.

It would appear that federal claims of a commitment to eradicating violence against women are mere rhetoric. The government has expressed its understanding of societal responsibility for the continued abuse of women, and its intentions to "convey broad societal messages that aim at eliminating the conditions which lead to the onset of violent situations."[7] It has expressed an understanding that violence against women is rooted in women's oppression. Therefore, one might expect that a commitment to

---

[4] Ibid., p. 1

[5] Ibid., p. 1

[6] Op cit., *War Against Women*, pp. 9-10.

[7] Op cit., *Living Without Fear*, p. 8.

ending this violence would be demonstrated by moves to improve women's social and economic status.

Instead, we have the latest federal budget. What sort of "broad societal messages" are conveyed by the decision to abandon a long-awaited national child care program, a key component of women's economic equality? What messages are conveyed by the decision to freeze retroactive pay equity adjustments? to cut financing to social housing programs? to not increase child benefits payments to mothers receiving social assistance? How can this government claim a commitment to ending violence against women, a violence rooted in women's oppression, and then in its own budget deliberately undermine women's economic and social equality, reinforcing the very conditions that oppress women and foster violence against women?

A true commitment to eliminating violence against women requires more than just words. The areas where increased resources are needed have been amply demonstrated. Women need equal employment opportunities and adequate incomes; affordable housing; accessible, affordable, quality child care; access to re-training and job re-entry programs; and access to counselling and therapy, to heal from experiences of violence. As a long-term approach, anything less than this is unacceptable. Nothing short of major social change in the conditions of women's lives is going to bring about an end to male violence against women.

The War Against Women provided a clear picture of how the lack of on-going core funding limits the ability of transition houses and sexual assault crisis centres to provide adequate services for women who have been battered or assaulted.[8] Permanent, secure, predictable operational funding is desperately needed. The federal response to the recommendation for secure, long-term funding is that it will underwrite the capital costs for some additional shelters and interim housing.[9] There is no indication anywhere of increased funding for operational costs. While the need for more emergency housing is obvious, its provision must be accompanied by adequate on-going core funding.

---

[8] Op cit., *War Against Women*, pp. 30-33.

[9] Op cit., *Living Without Fear*, p. 29.

Claiming economic restraint as an excuse for failing Canadian women is not good enough. Even in hard times, there is money – it's a matter of setting priorities for spending. Is violence against women a priority for this government or not?

Cutting social programs might appear on the surface to improve the country's financial situation by reducing expenditures. But it will also make it more difficult for women to achieve equality. Any "economic recovery" based on such grounds would be a recovery in appearance only, and only for men. It would be built upon severe costs to women. Not least among these would be the maintenance of the social conditions which permit and support violence against women.

Conceptual Inadequacy of "Family Violence"

The federal government acknowledges that violence against women is unique, stating that the "violence is directed at women precisely because they are women."[10] The Standing Committee was even more explicit in its recognition that violence against women is a specific social problem arising out of the specific conditions of women's subordination to men.[11] *The War Against Women* argues that the perpetuation of violence against women is partly due to the way in which it has been officially conceptualized, using the gender-neutral term "family violence."[12] This concept identifies the family as a violent and unsafe place, but it hides the specifics: who makes it unsafe? and who is it unsafe for?

This is not just semantic quibbling. Using the concept of family violence obscures the fact that in the vast majority of cases it is men violating women; and in obscuring this detail, it deflects us from understanding why this is so – and thus from finding a way of dealing effectively with the problem. The way we understand the problem informs our theories, which in turn frame our attempts at solutions. How can we conceptualize a problem in a way that conceals its cause, and hope to move toward a real solution?

---

[10] Ibid., p. 1

[11] Op cit., *War Against Women*, p. 3.

[12] Ibid., p. 50

Conceptual inadequacies lead to theoretical inadequacies, which result in limited responses, which leaves real women continuing to suffer very real violence.

Yet the federal response to *The War Against Women* is framed largely in terms of "family violence." Most notable, of course, is the Family Violence Initiative. Training of law enforcement, correctional and parole personnel is also defined in terms of "family violence," and "domestic violence," or more broadly, "victims of violence" in general.[13] In education, the initiative in schools is described as generalized "violence prevention education."[14] This subsuming of violence against women under more general concepts is precisely what feminists have been fighting against for years.[15]

While all violence within families is important, it does not all arise from the same causes. It is not useful to encompass it all under the rubric of "family violence." Elder abuse, child abuse and neglect – these are important issues. But they have their own causes, and must have their own analyses, and their own specific and directed solutions. Violence against women requires women-centred solutions specific to its particular causes.

Treatment Programs for Violent Men

This is one area where the Advisory Council agrees with the federal government's response. Treatment programs for men have not yet been proven sufficiently effective to warrant directing prosecutors to recommend mandatory counselling for men who batter. There has been surprisingly little evaluation at all, considering the rapid spread of this service. What evaluation there is indicates that about 50 percent of men drop out of the programs, and of those who complete treatment about a third remain physically violent and two-thirds are psychologically abusive at follow-up.[16]

---

[13] Op cit., *Living Without Fear*, pp. 16-17.

[14] Ibid., p. 8.

[15] See, for example, Gillian Walker, "The Standpoint of Women and the Dilemma of Professionalism in Action," *Resources for Feminist Research*, 15(1), 1986, pp. 18-20.

[16] Department of Justice Canada, *Treatment Programs for Men Who Batter: A Review of the Evidence of Their Success*, Ottawa, July 1991.

Many woman do not want their abusers jailed, they simply want the abuse to stop. This is a strong motivation for the trend toward treatment and counselling for abusive men. However, if the programs are not in fact effective at changing men's behaviour, they may do more harm than good - particularly if they are used in place of other interventions. In searching for better solutions to the problem of violence against women, we must be careful not to uncritically adopt approaches which may prove ineffective. The spread of these programs must be based on clear evidence of effectiveness. Further research is needed to identify what particular aspects of treatment programs work, and for which men.

The Advisory Council has a further reservation about treatment programs for men, in that they are based on an underlying assumption that men violate women because they cannot help themselves, or because they are "sick" or in some way in need of treatment. This assumption fails to take into consideration the benefits men accrue - directly or indirectly - from violence against women. Violence against women is one of the fundamental supports of a social structure which provides men with power over women; the other side of women's subordination is men's domination. Inasmuch as violence against women helps to keep women oppressed, and thus keep men in power, all men stand to benefit from violence against women. Until that social structure is altered, treatment programs for men cannot be expected to have a great deal of effect.

Legislation and Law Enforcement

There are policies across the country that instruct the police to lay charges where they have reasonable and probable cause to believe a woman has been assaulted by her partner. Yet the Standing Committee heard from its witnesses "that there is a chasm between policy and practice."[17] The federal response, which simply reiterates that charging policies already exist, is not helpful. Women know these policies exist - do the police and the RCMP? Charging policies are only of use if they are enforced.

With respect to police charging practices in sexual assault cases, the federal government claims there is a need for more research. Yet a study conducted by the federal Department of Justice, which is cited in *Living Without Fear*, clearly shows that 20

---

[17] Op cit., *War Against Women*, p. 38.

percent of reported sexual assaults are cleared without charges being laid, and that the "unfounded rate"[18] is nigher for sexual assault than for any other type of crime against the person – twice as high as the rate for assault.[19] Why, then, does the government emphasize its commitment to review and evaluation,[20] rather than enforcement of charging policies?

The federal response to the recommended repeal of the "mistake of fact" defence is inadequate. This defence allows that a man may be found not guilty of sexual assault if he honestly – even if unreasonably – believed that the woman was consenting.[21] This totally negates women's sexual self-determination. It must be repealed. The government's expressed intention to consult further about this matter is simply an avoidance of its responsibility to women.

In cases of woman battering, the Advisory Council strongly supports any moves toward removing the violent male from the family home, rather than requiring the woman to leave her home and community to stay in a transition house. We are pleased with the federal government's response to the recommendation that legal policy be developed to allow judges to order abusive men out of the family home. Though prefaced with a desire to find out for itself that existing provisions are inadequate for this purpose, the government then makes a commitment to pursuing amendments to the *Criminal Code* that would allow for the removal of offenders from the family home.[22] Provided this is accompanied by ensuring police protection for the woman, as stipulated in *The War Against Women*,[23] this would be a progressive move.

---

[18] "Unfounded" means that reports, upon preliminary investigation, are determined to be without foundation.

[19] Department of Justice Canada, *Sexual Assault Legislation in Canada: An Evaluation. An Analysis of National Statistics*. Report No. 4, Ottawa, 1990.

[20] Op cit., *Living Without Fear*, p. 22.

[21] Imagine such a defence for a property-related crime, such as theft: "I know it's unreasonable, but I thought it wanted to come with me"!

[22] Op cit., *Living Without Fear*, p. 21.

[23] Op cit., *War Against Women*, p. 37.

The War Against Women recommended that an administrative body be set up to develop equality-enhancing legislative responses to violence against women. The Standing Committee also argued that the government has an obligation under the *Charter* to guarantee equality for women, and therefore all legislation must be reviewed for its effect on women's equality.[24] This scrutiny would be an alternative to court challenges against unconstitutional legislation.

The federal response that legislation is already examined for its impact on women by groups such as the Canadian Advisory Council on the Status of Women, the Women's Legal Education and Action Fund, and the National Association of Women and the Law, is completely inadequate. None of these groups has the power to do any more than make recommendations, which the government is not required to listen to.

To have any effect, the administrative body recommended by the Standing Committee would have to have the power to require that proposed legislation not have a negative impact on women. That is, if this government is truly committed to preventing violence against women, and if that requires promoting women's equality in general, then the government must commit to passing no new legislation unless it has been approved by a group of experts who indicate that it will not be detrimental to women.

Educating Law Enforcement Personnel and the Judiciary

The Standing Committee made several recommendations concerning the need to educate law enforcement officers, federal prosecutors, and judges on gender-sensitivity and the impact of violence against women.[25] In all cases, the Committee emphasized that participation must be mandatory to have any effect, that there must be mandatory refresher courses, and that content of courses must be worked out in consultation with front-line agencies who work with the women victims of male violence. The response of the federal government in *Living Without Fear*, which describes some courses currently offered or being developed, seems to have missed the most important point: that the

---

[24] Ibid., pp. 40-41.

[25] Ibid., Recommendation Nos. 6, 7 and 13.

courses be mandatory.[26] Otherwise, you are simply preaching to the converted. Furthermore, there is no indication that any of the courses described were developed in consultation with front-line workers, and there is every indication that the courses will be less than adequate, since they all deal with "family violence" rather than male violence against women.

Violence Against Women in Non-Traditional Roles

In this area, *The War Against Women* did not go far enough. The Standing Committee heard evidence about the pervasiveness of violence against women on Canadian campuses. From all appearances, women are facing increasing violence on campus. Not only does this pose immediate danger for women students, but it creates an impossible learning environment, preventing women from acquiring the training for non-traditional jobs. In the text of its report, the Standing Committee acknowledges that human rights legislation should cover sexual harassment and sexual discrimination in educational institutions, yet this suggestion is not reflected in the Recommendations.[27] It should be. Human rights legislation must provide women with protection from sexual harassment and discrimination in educational institutions. There is no evidence of a need for making such protection gender-neutral to include men, as research has consistently shown that the victims of sexual harassment are women.

The War Against Women also suggested that Parliament should set an example in these areas.[28] The Advisory Council would go further than the Standing Committee, suggesting that gender-sensitivity sessions should not simply be offered to Members of Parliament, but that they should be mandatory. Members of Parliament should also be

---

[26] Op cit., *Living Without Fear*, pp. 16-20.

[27] Op cit., *War Against Women*, pp. 27-30.

[28] Ibid., p. 29.

disciplined severely for yelling out remarks[29] in the House that are derogatory to women.[30]

Conclusions

Overall, the response of the federal government to *The War Against Women* is simply not good enough. In general, its claim that violence against women is a priority, and its stated goal of "zero tolerance" for violence against women, are not backed up with sufficient resource allocation to be any more than empty rhetoric. The insistence on a public education campaign that does not increase demand for services, the failure to fund ongoing operational costs for essential services, the failure to make educational sessions mandatory, the insistence on more research and endless consultation, and the insistent use of the inappropriate concept "family violence" are all glaring inadequacies in *Living Without Fear*.

Coupled with the federal budget's attacks on programs that underpin women's equality, Canadian women have been given little reason to hope for any improvement in the situation of violence against women from this government. Translated into harsh reality, the government's failure to adequately address this issue means that thousands of women will continue to be beaten, raped, sexually harassed, sexually abused, sexually assaulted, and sometimes killed – often by men they know and trust, even love.

Recommendations

The Nova Scotia Advisory Council on the Status of Women recommends:

1. that the federal government mount a national, multi-media public education campaign condemning violence against women and emphasizing societal responsibility for its occurrence and its prevention;

---

[29] For example, a Parliamentarian calling a female colleague in the House of Commons a "slut," ("Women in the House Take Aim at Tory: Called Her a Slut, Copps Charges," The Globe and Mail, September 18, 1991).

[30] Suggested by Lynne Brown, Port Coquitlam Area Women's Centre, Port Coquitlam, B.C.

2. that the federal government work with other levels of government to ensure funding is adequate to accommodate any increase in demand for services arising from the public education campaign;

3. that the federal government support its claims of a commitment to ending violence against women by allocating resources toward alleviating the material conditions of women's oppression;

4. that the federal government stop attempting to address all issues of intra-familial violence together, as "family violence", and address violence against women from a perspective centred around the specific causes of this specific violence. Other forms of violence should be dealt with in terms of their own causes and their own analyses, with further research being conducted where it is needed;

5. that the federal government support primary research into the effectiveness of treatment programs for men who violate women, identifying client, program and external factors which affect treatment outcomes;

6. that federal funding for the establishment of treatment programs for volent men be dependent upon evidence of their effectiveness;

7. that the federal government do everything it its power - and encourage provincial governments to do the same – to enforce existing directives instructing police to lay charges in cases of violence against women;

8. that Parliament repeal the "mistake of fact" defence for sexual assault cases;

9. that the federal government develop a policy allowing judges to order men charged with assaulting their female partners to be removed from the family home. Such a policy must ensure adequate protection to the woman;

10. that an administrative body be established, composed of legal experts and front-line workers from equality-seeking groups, to screen legislation for its impact upon women. The government must make a commitment to passing no new legislation that has not received the approval of this body;

11. that courses in gender sensitivity and violence against women developed for law enforcement, corrections and parole personnel, as well as for Members of Parliament (as recommended in *The War Against Women*, Recommendation Nos. 6, 7, 10, and 13), be mandatory. These courses must also be developed in conjunction with experts – women who are front-line workers in violence against women; and

12. that human rights legislation be amended to protect women from sexual harassment and sexual discrimination in educational institutions.